Court Rules Out All Specific Acts of immorality Charged to Prisoner, Despite Vigorous Fight Made by Solicitor Hugh Dorsey, Who Had Called Many Witnesses to Prove His Character Bad.

DR. SAMUEL BENEDICT COMES TO THE DEFENSE OF DR. ROY F. HARRIS

State Makes Strong Effort to Show, That Minola McKnight Was Not Coerced Into Signing the Statement Which She Afterward Repudiated –

Boy Says He Saw Frank With Mary Phagan.

The state was given a big setback Tuesday when Judge Roan ruled out all specific acts of immorality charged to Frank which Solicitor Dorsey was seeking to get before the jury. When the defense placed Frank's Character to evidence, no one was more gratified than Solicitor Dorsey.

He stated that this was the thing he had hoped for all along and that he would have no difficulty in tearing it to tatters. With this in view the little Hewell girl, who has been in the Home of the Good Shepherd at Cincinnati, was sent for and is now in the city. She was but one of many by whom, he expected to establish certain sets of immorality.

If Solicitor Dorsey cannot manage to get any of this evidence before the Jury, Frank's character, so far as testimony goes, will go unscathed.

TESTIMONY RULED OUT.

At the afternoon session Miss Nellie Wood who worked at the pencil factory two days, was placed on the stand. Ignore any questions were put to her Solicitor Dorsey stated that he wanted a ruling from Judge Roan as to the class of evidence that he would permit for the record. The jury was sent out and Solicitor Dorsey stated that he wanted to prove by the witness that on the second day she was employed at the pencil factory, Frank had made her an indecent proposal and that she had quit.

The point was argued at length, Solicitor Dorsey urged that the defense then asked many witnesses if at any time or place they had been guilty of any immoral conduct with Frank, and that the state had a right to rebuke his evidence. Judge Roan once most ruled with the defense, however, and the witness left the stand without making any sort of statement.

SAW FRANK WITH MARY PHAGAN.

One of the few strong places of evidence which the state managed to get to the jury was the statement of Will Turner, a youth of sixteen, that on one occasion when he was working at the pencil factory, he had seen Frank in conversation with Mary Phagan in the metal room; that the girl was retreating from Frank and Frank was following her. Frank had said, according to the witness, that he was the superintendent of the factory and wanted to talk to her. The girl had replied that she had some work to do and retreated from him.

Frank, in his statement, said he did not know Mary Phagan.

ECHO OF McKNIGHT AFFIDAVIT.

The state made a strong effort to show that Minola McKnight, who works for Mrs. Selig, Frank's mother-in-law, was in no way coerced into making and signing the statement which she afterward repudiated. The effort was not altogether successful; in fact, on cross-examination, George Gordon, attorney for the McKnight woman, made statements which would seem to give color to this contention. Among other things, he stated that Solicitor Hugh Dorsey had refused to sign an order to Chief Beavers asking for the woman's release. He said Solicitor Dorsey had stated to him that he had not had the woman arrested and he did not want to do anything which “would get him in bad with the detectives,”

The statements of Roy Craven and E. II. Pickett, employees of the Beck. Gregg Hardware company, were to the effect that the McKnight woman had first denied the statements afterward made In the affidavit and had later made them voluntarily,

STANDS BY HARRIS.

Dr. Samuel G. Benedict, president of the state board of health, was introduced by the state to disprove the charges of scientific dishonesty lodged against Dr. Roy Harris by Dr. Willis Westmoreland. The minutes of the board were admitted as evidence. These minutes were at variance with the statement of Dr. Westmoreland.

At the morning session many witnesses were introduced to prove the good character of C. B. Dalton and to prove the bad character of Daisy Hopkins.

It was one of the most uneventful days of the trial.

The Atlanta Constitution

Wednesday, August 20th, 1913

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